

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE**

Michael DeAngelis

v.

Civil No. 06-cv-376-PB

New Hampshire State Prison

O R D E R

Michael DeAngelis has filed a one-paragraph complaint, pursuant to 42 U.S.C. § 1983, against the New Hampshire State Prison ("NHSP") (document no. 1). Construed liberally, the complaint alleges that the NHSP abridged his federally protected rights by failing to protect him from an attack that resulted in physical and mental injuries. The complaint is before me for preliminary review to determine whether, among other things, it states a claim upon which relief may be granted. See 28 U.S.C. § 1915A; U.S. District Court for the District of New Hampshire Local Rule ("LR") 4.3(d)(2). For the reasons stated below, I order plaintiff to amend his complaint.

Construing the complaint liberally, see Haines v. Kerner, 404 U.S. 519, 520 (1972), I do not understand the precise causes of action that plaintiff intends to plead. While the complaint appears to allege Section 1983 claims predicated upon the NHSP's failure to protect plaintiff from an attack, the complaint does

not allege sufficient facts from which a violation of the constitution or other federal law can be clearly discerned. Accordingly, I will not conduct a preliminary review of this case until plaintiff has amended his complaint to identify his claims and relate them to particular defendants.

The amended complaint should, at a minimum: (1) invoke the jurisdiction of this court (it appears that plaintiff is proceeding under 42 U.S.C. § 1983; the amended complaint should make this clear); (2) clearly list all persons and/or entities plaintiff wishes to sue (the amended complaint should identify the individual defendants responsible for the alleged harm); (3) clearly state the reason each defendant is being sued by setting forth what each defendant did to plaintiff and when he or she did it (plaintiff should state who attacked him and what the NHSP and/or individual NHSP officers did or failed to do; (4) list the constitutional and/or federal statutory provisions each defendant is accused of violating (if plaintiff claims that defendants have violated his Eighth Amendment rights this should be stated in the amended complaint; and (5) clearly state all relief (including any injunctive relief) plaintiff is seeking.

The Clerk's Office is directed to provide the plaintiff with a copy of the Court's pro se manual to assist him in preparing an

amended complaint.

Plaintiff should file his amended complaint within twenty (20) days. If he does not do so, I may recommend to the presiding judge that this case be dismissed without prejudice.

SO ORDERED.


James R. Muirhead
United States Magistrate Judge

Date: December 6, 2006

cc: Michael DeAngelis, pro se